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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,489	02/29/2000	Somnath Banik	BANIK 2-73	2128
47396	7590	01/03/2006	EXAMINER	
HITT GAINES, PC AGERE SYSTEMS INC. PO BOX 832570 RICHARDSON, TX 75083			NGUYEN, TU X	
			ART UNIT	PAPER NUMBER
			2684	

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/514,489	BANIK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tu X Nguyen	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 October 2005.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,4-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 10 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4-9 and 11-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments filed 10/31/05 have been fully considered but they are not persuasive.

Applicants argue that Kato does not teach or suggest identifying a pause in voice traffic that is to be transmitted over the voice channel and causing the base station transmitter to transmit data to the cordless telephone receiver over the voice channel (see col.1 lines 9-16, abstract and col.4 lines 6-26). However, the Examiner does not rely on the disclosure of first embodiment of Kato. The Examiner relies on second embodiment of Kato that the base station transmit data packet during silent period on voice channel (see col.3 lines 31-32, fig.5 (down link)).

Applicants argue that Kim has not been cited to cure the above deficiencies of Kato to teach a silence detector coupled to a transmitter. However, the Examiner respectfully submits that Kim remedies the deficiencies of Kato "a silence detector couple to a transmitter" (see col.4 lines 24-26, 122, 144 fig.1).

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-6, 8-9, 11-13, 15-19 and 22, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (US Patent 6,044,266)

Regarding claims 1, 8 and 15, Kato disclose for use in communicating data over a voice channel between a transmitter of a base station and a receiver of a handset of a cordless telephone, a system comprising:

a silence detector (see col.8 lines 41-40), that identifies a pause in voice traffic that is to be transmitted over and generates an interjection signal during said pause (see fig.5 and col.9 lines 11-12);

data injector, that receives said interjection signal and responds by causing said transmitter to transmit data to said receiver over said voice channel (see col.3 lines 21-22, "data injector" is inherent because data is being transmitted on the same voice channel when there is no voice activity).

Kato fails to disclose a silence detector couple to transmitter.

Kim discloses a silence detector couple to transmitter (see 122, 144, fig.1). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kato with the above teaching of Kim in order to provide connection circuits and controlling signals to the transmission/receiving unit.

Regarding claims 2,9 and 16, the modified Kato discloses voice traffic is analog voice traffic (see Kato, col.7 lines 59-64).

Regarding claims 6, 13 and 19, the modified Kato discloses transmitter transmits said voice in frames (see Kato, col.9 lines 11-12).

Regarding claims 21-22, the modified Kato discloses system receives said voice traffic and said data from a telephone line coupled thereto (see Kato, col.3 lines 40-45).

Regarding claims 4, 11 and 17, the modified Kato discloses disclose said data comprises caller identification data (see Kim, col.22-23, "telephone number" corresponds to "caller identification data").

Regarding to claims 5, 12 and 18, the modified Kato fails to disclose said data comprises menu item selection data. However, the Examiner takes an Official notice that the concept menu display for user would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system for a digital display.

5. Claims 7, 14 and 20 are rejected under 35 U.S.C. 103(e) as being unpatentable over Kato in view of Kim and further in view of Walley et al. (US Patent 6,301,287).

Regarding to claims 7, 14 and 20, the modified Kato fails to disclose comparing a peak energy of said voice traffic to a noise floor reference.

Walley et al. disclose comparing a peak energy of said voice traffic to a noise floor reference (see col.12 lines 5-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the modified Kato with the above teaching of Walley et al. in order to compare energy level between peak level and noise floor level.

### Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed Tu Nguyen whose telephone number is 571-272-7883. The examiner can normally be reached on Monday through Friday from 8:30AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).



December 22, 2005

EDAN ORGAN  
PATENT EXAMINER, TEL/CONM

ED. 12/22/05